

**IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH**

(129)

CRM-M-12886-2022

Date of decision: 06.04.2022

Rakesh Kumar and another

...Petitioners

Versus

State of Punjab and another

...Respondents

CORAM: HON'BLE MR. JUSTICE SUVIR SEHGAL

Present: Mr. R.S.Randhawa, Advocate
for the petitioners.

...

SUVIR SEHGAL, J.

Vide the instant petition filed under Section 482 of the Code of Criminal Procedure, 1973 (for short “the Code”), the petitioners have approached this Court seeking quashing of complaint bearing COMI No.101 dated 02.11.2019 titled as Reema Rani Versus Mohit Sharma @ Vicky and others under Sections 406, 498-A, 506, 120-B and 34 of the Indian Penal Code, 1860 (Annexure P-1), pending before the Judicial Magistrate Ist Class, Sri Muktsar Sahib as well as order dated 05.08.2021 (Annexure P-2), whereby the petitioners have been summoned by the Trial Court.

Facts, in brief, are that complainant-respondent No.2 has filed complaint (Annexure P-1) against her husband and his relatives (for short “the accused”) including the present petitioners,

who are her in-laws. She has alleged that the dowry items, gifts and cash entrusted to the accused have been misappropriated by them. The accused have been allegedly harassing and maltreating the complainant-respondent No.2, which increased after the birth of a female child. When the demand of the accused was not fulfilled, they allegedly turned out the complainant and her minor daughter from the matrimonial home and even the intervention of the Panchayat and other respectable members of the society was of no avail. In her primary evidence, the complainant, who has been examined as CW-1, has supported the allegations leveled by her. Her evidence has been corroborated by that of other witnesses, who appeared as CW-2 to CW-4 as well as the documentary evidence produced by them.

Heard counsel for the petitioners.

There are direct allegations against the petitioners. Although, counsel for the petitioners has urged that it is a case of marital incompatibility and the complaint is a bundle of lies, besides pointing out some inconsistencies in the dates, yet this Court does not deem it fit to go into these aspects at this stage as they will be gone into by the Trial Court at an appropriate stage after the parties have adduced evidence. Suffice it to say that the allegations, even if taken at their face value, do constitute offences as alleged by the complainant. It is a settled legal position that when the High Court considers the petition for quashing the criminal proceedings under Section 482 of the Code, the allegations must be read as they stand. It is only if on the face of the allegations no offence, as alleged, is

made out, the Court is justified in exercising its jurisdiction to quash the proceedings.

In view of the fact that there are specific allegations against the petitioners and a prima facie case exists for summoning them, this Court is of the view that this case does not fall within the parameters laid down by the Supreme Court *in M/s Neeharika Infrastructure Pvt. Ltd. Versus State of Maharashtra and others, 2021 AIR (Supreme Court) 1918* and neither the impugned complaint nor the summoning order can be quashed in the exercise of the inherent power of this Court.

Finding no merit in the petition, it is hereby dismissed.

It is made clear that any observation made hereinabove would not, in any manner, constitute to be an observation or view with regard to the merit of the case.

(SUVIR SEHGAL)
JUDGE

06.04.2022
Pardeep

Whether speaking/ reasoned	Yes
Whether Reportable	Yes